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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,447	01/27/2004	Jean-Yves Soun	2-1034-094-	3205

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DES MOINES, IA 50309-4076

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/766,447

Applicant(s)

SOUN, JEAN-YVES

Examiner

Christopher J. Novosad

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/25/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

Claims 1-11 have been canceled.

### ***Specification***

The abstract of the disclosure is objected to because it includes legal language, e. g. “means (5, 6),” “means (2A),” “means (3),” and “means (4),” etc.. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “means (8) of the sweeping brush type” (claim 14) is not illustrated. Also, the “sliding capillary tubes suitable for transferring liquid additives as close as possible to the furrows” (claim 20), the “solenoid valves controlled by a throughput computer and a distributor controlled by forward travel” (claim 21), and the “hydropneumatic suspension” (claims 23-33), are not shown. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be

Art Unit: 3671

removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim objections***

Claim 12-16 are objected to because certain of the reference numerals or reference characters therein are not enclosed by parentheses. For example, the reference numerals or characters "5," "6," "Z," "Z1," "Z2," "2A," "2B," "2C," etc. are not enclosed by parentheses. Correction required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the

Art Unit: 3671

specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In page 4, lines 18 and 24, respectively, it is not clear from the description what particular claimed structure(s) of the unit it is that the "lateral movement" of "said means (3)" and "said means (4)" are relative to. Merely stating that an element has "lateral movement" without also stating what structure the lateral movement is relative to renders the description indefinite. For example, in line 18, it appears clear from the drawing that the "lateral movement of said means (3)" is meant to be -- relative to said metering roll (2) --, and in line 24, that "lateral movement of said means (4)" is meant to be -- relative to said means (3) --. If the above suggestions are correct descriptions then the specification should be so amended for clarity and definiteness.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-33 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention.

The "and/or" recitations in parent claim 12, line 2 are, both, inclusive and alternative, and therefore render the claim indefinite.

In parent claim 12, lines 18 and 22, respectively, and in claim 14, line 3, the recitations of "the said" are redundant. Either the word "the" or the word "said" should be used to avoid redundancy. Further, in lines 18 and 22, respectively, it is not clear as to which particular "means," previously recited in the claim, is being referred to by the recitations of "the said means." In line 18, it is suggested that "the said means" should be amended to --said means (3)--

Art Unit: 3671

, and in line 22, the recitation of “the said means” should be amended to – said means (4) --. If applicant concurs in these suggestions, then the claim should be so amended to avoid indefiniteness.

Further, in parent claim 12, lines 18 and 22, respectively, it is not clear as to what particular claimed structure of the unit that the “lateral movement” of “said means (3)” and “said means (4)” is relative to. Merely stating that an element has “lateral movement” without also stating what structure the lateral movement is relative to renders the claim indefinite. For example, in line 18, it appears clear from the drawing that the “lateral movement of said means (3)” is meant to be -- relative to said metering roll (2) --, while in line 24, the “lateral movement of said means (4)” is meant to be -- relative to said means (3) --. Again, if applicant concurs with these suggestions, then the claim should be so amended for clarity and definiteness.

In claim 13, line 1, in the recitation of “the means” it is not clear which “means” in the parent claim is being referred to. However, shouldn’t “the means,” in line 1, rather be --said metering roll (2)--? It is the “metering roll (2)” that includes the “axial flutes (2a);” not the “means (3)” or “means (4).” Clarification is required.

In claim 14, last line, the recitation “sweeping brush type” is indefinite.

***Allowable Subject Matter***

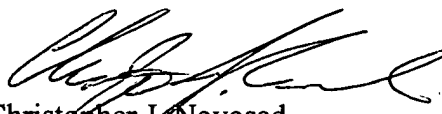
Claims 12-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraph, set forth in this Office action.

Art Unit: 3671

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

December 13, 2004